

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

LISA MARIE STEARNS

Plaintiff,

v.

**MICHAEL J. ASTRUE,
COMMISSIONER OF SOCIAL
SECURITY,**

Defendant.

CIVIL NO. 3:06CV518

ORDER FOR REMAND

The Defendant, Michael J. Astrue, Commissioner of Social Security, has moved this Court, pursuant to sentence four of 42 U.S.C. §405(g), to remand the cause for further administrative proceedings. Plaintiff consents to this motion.

On remand to the Commissioner, the Administrative Law Judge will be instructed to undertake the following: 1) further consider all of the plaintiff's physical and mental limitations and provide new residual functional capacity assessments; 2) if various opinions that plaintiff is capable of no more than a work training are rejected, provide the evidence relied on in their stead; 3) if a finding of mental retardation is rejected, discuss the current evidence relied on to find that plaintiff has a greater capacity; 4) consider and explain the weight given to lay testimony; 5) obtain vocational expert testimony; and 6) issue a new decision.

Pursuant to the power of this Court to enter a remand to the Commissioner of Social Security under sentence four of 42 U.S.C. §405(g), and in light of the parties' request to remand this action for further proceedings, this Court hereby

REMANDS the matter for further proceedings under sentence four of 42 U.S.C. § 405(g). See
Melkonyan v. Sullivan, 501 U.S. 89 (1991).

SO ORDERED.

Signed: April 16, 2007

Carl Horn, III

Carl Horn, III
United States Magistrate Judge

